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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,506	06/13/2007	Madalina Baltatu	09952.0062	4571

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EXAMINER

DESIRE, GREGORY M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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04/22/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,506

Applicant(s)

BALTATU ET AL.

Examiner

Gregory M. Desire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 is/are allowed.
- 6) ☒ Claim(s) 24,25,29,35-39,41-44 and 46 is/are rejected.
- 7) ☒ Claim(s) 26-28,30-34 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed 1/28/11.

Response to Amendment

2. Examiner withdraws the 35 USC 101 rejections for claims 24 and 46.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24-25, 29, 35-39, 41-44 and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Buffam (6,185, 316) in view of Hamid (2004/0250084).

Regarding claims 24, 38, 41, 44 and 46 Buffam discloses,

Generating a reference biometric template (fig. 8, block 545 from a first biometric image (fig. 8 block 540) of a user to be authenticated (fig. 8, enrollment phase) ;

Splitting said reference biometric template into a first and a second reference biometric template portion (col. 7 lines 5-10 and col. 8 lines 16-20);

Enciphering (fig. 8 block 585) said first and second reference biometric template portion (col. 20 lines 14-19);

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Storing each one of said reference biometric template portions into a different memory (note col. 20 lines 18-23 stored on user credential). Buffam does not clearly disclose reference biometric template divided into a first and second reference template. Hamid discloses generating a first and second reference template (note 679, 681 and 683). Buffam and Hamid are combinable because they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skills in the art to divide sample generating divided biometric template parts in the system of Buffam as evidenced by Hamid. The motivation/suggestion would have been providing efficient intelligent processing by processing portions of the samples.

Regarding claim 25 Buffam discloses,

Transmitting said first reference biometric template portion (545) from a first system (enrollment phase) to a device (key generation phase and user credential), said first system operating in said enrolment step (note enrollment phase);

Storing said first reference biometric template portion into a memory of said device, said device operating in said verification step (note col. 21 lines 4-6);

Transmitting said second reference biometric template portion from said first system (enrollment phase) to a second system (key generation and recovery), said second system (recovery phase) operating in said verification step (comparator); and storing said second reference biometric template portion into a memory of said second

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system (block 630 and 635).

Regarding claim 29 Buffam discloses,

Wherein said step of splitting said reference biometric template into a first and a second reference biometric template portion comprises the step of: destroying said biometric template performed by said first system (note col. 7 lines 5-12)

Regarding claim 35 Buffam discloses,

Wherein said identification biometric techniques comprise at least one biometric identification technique of the type selected from: face recognition, fingerprints, hand prints, voice templates, retinal images, and calligraphic samples (note fig. 8, block 540 fingerprint).

Regarding claim 36 Buffam discloses,

Wherein said first and second systems are respectively a data enrolment system (enrollment phase) and a data verification system (recovery phase) and said device is a data carrier (user credential).

Regarding claims 37 and 39 Buffam discloses,

Reference biometric template into a plurality of reference biometric template portions, at least some of said reference biometric template portions being used to recompose said reference biometric template (545). Buffam does not clearly disclose

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reference biometric template divided into a first and second reference template. Hamid discloses generating a first and second reference template (note 679, 681 and 683). Buffam and Hamid are combinable because they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skills in the art to divide sample generating divided biometric template parts in the system of Buffam as evidenced by Hamid. The motivation/suggestion would have been providing efficient intelligent processing by processing portions of the samples.

Regarding claim 42 Buffam discloses,

A substrate whose sizes are substantially rectangular (note col. 23 lines 20-25).

Regarding claim 43 Buffam discloses,

Wherein said data carrier is an access card or a credit card or a debit card or an identification card or a smart card or a SIM card (note fig. 8 block 605 credential/ID card, col. 23 lines 18-26).

Allowable Subject Matter

5. Claims 45 are allowed.

6. The following is an examiner's statement of reasons for allowance: for independent claim 45. The prior art fails to disclose the features.

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A second memory adapted to store at least a third reference biometric template portion associated with a user to be authenticated, said third reference biometric template portion being signed and enciphered, wherein said first, second and at least third reference biometric template portions are such that the reference biometric template can be recomposed from a subset of at least two of said reference biometric template portions;

An image acquiring and processing device for generating a live template;
Said electronic device being adapted to encipher and sign said live template, transmitting said second reference biometric template portion and said live template to said portable data carrier and authenticating said user depending on the result of a comparison performed by said data carrier between said live template and a reference biometric template of said user to be authenticated, said reference biometric template being rebuilt by using said first and second reference biometric template portion. These features in combination with other features are not taught in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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7. Claims 26-28 and 30-34 and 40 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose generating a live template from a second biometric image of said user to be authenticated; enciphering said live template; and transmitting said live template and said second reference biometric template portion to said device. These features in combination with other features are not taught in the prior art. Claims 27-28, 31 and 33-34 depend on claim 26. Therefore are also objected.

Regarding claim 30, prior art fails to disclose the storing a first and a second key and a related digital certificate into a memory of said first system, said first and second keys being respectively a public key and a private key associated with said first system; storing a first and a second key and a related digital certificate into said memory of said device, said first and second keys being respectively a public key and a private key associated with said user to be authenticated; signing said first and second reference biometric template portion with said private key of said first system; and enciphering said, first and second reference biometric template portion with said public key of said user to be authenticated. These features in combination with other features are not taught in the prior art. Claim 32 depend on claim 30. Therefore are also objected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.D.

April 19, 2011

/Gregory M. Desire/
Primary Examiner, Art Unit 2624